

NEIGHBORHOOD PLAN AMENDMENT AND ZONING REVIEW SHEET

CASE: NPA-2007.0006-01 and C14-2007-0201

P. C. DATE: November 13, 2007 and November 27, 2007

ADDRESS: Tract 1: 1008 Baylor Street; Tact 2: 1111 West 11th Street

OWNER : RookNoll LLC (Victor Ayad and Dick Clark)

AGENT: Alice Glasco Consulting (Alice Glasco)

SUMMARY PLANNING COMMISISON RECOMMENDATION:

November 27, 2007:

***APPROVED STAFF'S RECOMMENDATION FOR NEIGHBORHOOD PLAN AMENDMENT;
BY CONSENT.***

[J.REDDY, M.DEALEY 2ND] (8-0) P.HUI – ABSENT

***APPROVED STAFF'S RECOMMENDATION FOR MF-5-CO-NP (TRACT 1) & LO-MU-CO-H-
NP (TRACT 2); BY CONSENT.***

[J.REDDY, M.DEALEY 2ND] (8-0) P.HUI- ABSENT

CASE NUMBER: NPA-2007-0006.01

Original Text

Residential Core (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar [facing Pease Park] from Parkway to 15th Street (excluding the first 3 southern-most lots of this section), and finally along 15th Street to Enfield). 1201 and 1203 Baylor Street are excluded from the Residential Core. No zoning changes to a more permissive zoning category should be permitted. Preservation of existing older residential structures is strongly encouraged.

Recommended Changes (*changes indicated by bold italic and underlined text*)

Residential Core (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar [facing Pease Park] from Parkway to 15th Street (excluding the first 3 southern-most lots of this section), and finally along 15th Street to Enfield). 1201 and 1203 Baylor Street are excluded from the Residential Core. ***No zoning changes to a more permissive zoning category should be permitted, with the exception of 1008 Baylor Street and 1111 W. 11th Street, due to the consideration of conditions that ensure compatibility with the residential character of the Core.*** Preservation of existing older residential structures is strongly encouraged.

PLAN ADOPTION DATE: June 29, 2000

NPCD ADOPTION DATE: September 26, 2002

STAFF RECOMMENDATION: The staff recommendation is to **RECOMMEND** the requested change to the text. A zoning change of the Castle from LO to LO-MU would allow for a residential use – so, although it is more permissive, it would allow a use that would be compatible with surrounding uses. The zoning of MF-4 to MF-5 for the vacant property on Baylor Street, although more intense, it would still be adjacent to multifamily and mixed use office land uses on Baylor Street, and not intrude into the single family neighborhood that is located to the west.

ADDITIONAL INFORMATION: A neighborhood meeting on this case was held on November 6, 2007 at the Castle, located at 1111 W. 11th Street.

REZONING CASE: C14-2007-0201

REZONING FROM:

Tract 1: MF-4-NP (Multi-family residence – moderate-high density- neighborhood plan)

Tract 2: SF-3-H-NP (Family residence—historic – neighborhood plan) and

LO-H-NP (Limited office – historic – neighborhood plan)

TO:

Tract 1: MF-5-NP (Multi-family residence –high density- neighborhood plan)

Tract 2: LO-MU-H-NP (Limited office – mixed use – historic – neighborhood plan)

AREA: 1.886 Acres

SUMMARY STAFF RECOMMENDATION:

Staff offers an alternate recommendation of MF-5-CO-NP and LO-MU-CO-NP. The recommended conditional overlay shall limit the density to 28 residential units and require less than 2,000 vehicle trips per day. The recommendation is based on the following considerations:

- 1.) The land alternate Staff recommendation is compatible with existing office, commercial, and mixed uses along Baylor Street and West 11th Street;
- 2.) The recommended mixed-use overlay will diversify the use of the property by retaining a residential option; and
- 3.) The proposed land uses will not infringe on the residential character of the established neighborhood west of Baylor Street.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 1.886 acres site broken down into two tracts zoned MF-4-NP, SF-3-H-NP, and LO-H-NP fronting West 11th Street and Baylor Street and located within the Residential Core as defined on page 26 of the Old West Austin Neighborhood Plan (“OWA Plan”). The site is currently developed with a single-family residence and an undeveloped lot. The subject property was rezoned from MF-4 to MF-4-NP under Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area. The applicant proposes to rezone the site to MF-5-NP and LO-MU-H-NP to develop a mixed use project with office and residential uses. The existing “Castle” structure at 1111 Baylor Street is proposed to remain.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-NP, SF-3-H-NP, and LO-H-NP	Single-family residence / Undeveloped land
<i>North</i>	CS-MU-CO-NP	Gym
<i>South</i>	MF-4-NP	Single-family residences
<i>East</i>	CS-MU-CO-NP	Single-family residences / Retail
<i>West</i>	MF-4-NP / SF-3-NP	Single-family residences

NEIGHBORHOOD PLAN AREA:

Old West Austin

TIA: Waived (See Transportation comments)**WATERSHED:** Town Lake**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

18--Old West Austin Neighborhood Assn.
 118--Clarksville Community Development Corp.
 511--Austin Neighborhoods Council
 998--West End Austin Alliance
 742--Austin Independent School District
 786--Home Builders Association of Greater Austin
 1006--Greater West Austin Neighborhood Planning Area
 1011--Old West Austin Neighborhood Plan Contact Team
 1037--Homeless Neighborhood Organization

SCHOOLS:

Austin Independent School District

- Matthews Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0112	Old West Austin Neighborhood Plan Rezoning	08/14/02: APVD (6-0, DS-RECUSED) SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP.	08/29/02: APVD ON 1 ST RDG: SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP (7-0)

		09/26/02: APVD SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H-NP, NO-NP, NO-CO-NP, NO-MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP AND DIRECTED STAFF TO INITIATE REZONING OF 1706 & 1708 W 6TH FROM SF-2-NP TO NO-MU-CO-NP
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CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0149.05	MF-4-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.09	MF-3-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.13	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.14	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.29	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/24/05: APVD SF-3-NP (7-0); ALL 3 RDGS
C14-04-0149.44	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.47	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Baylor Street	28'	50'	Collector	No	Rte 48	9 Enfield
W 11 th Street	32'	60'	Collector	No		338 Lamar/45th

CITY COUNCIL DATE:

December 13, 2007

ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**CASE MANAGER:** Kathleen Fox, NPZD**PHONE:** 974-7877**E-MAIL:** jorge.rousselin@ci.austin.tx.us; kathleen.fox@ci.austin.tx.us



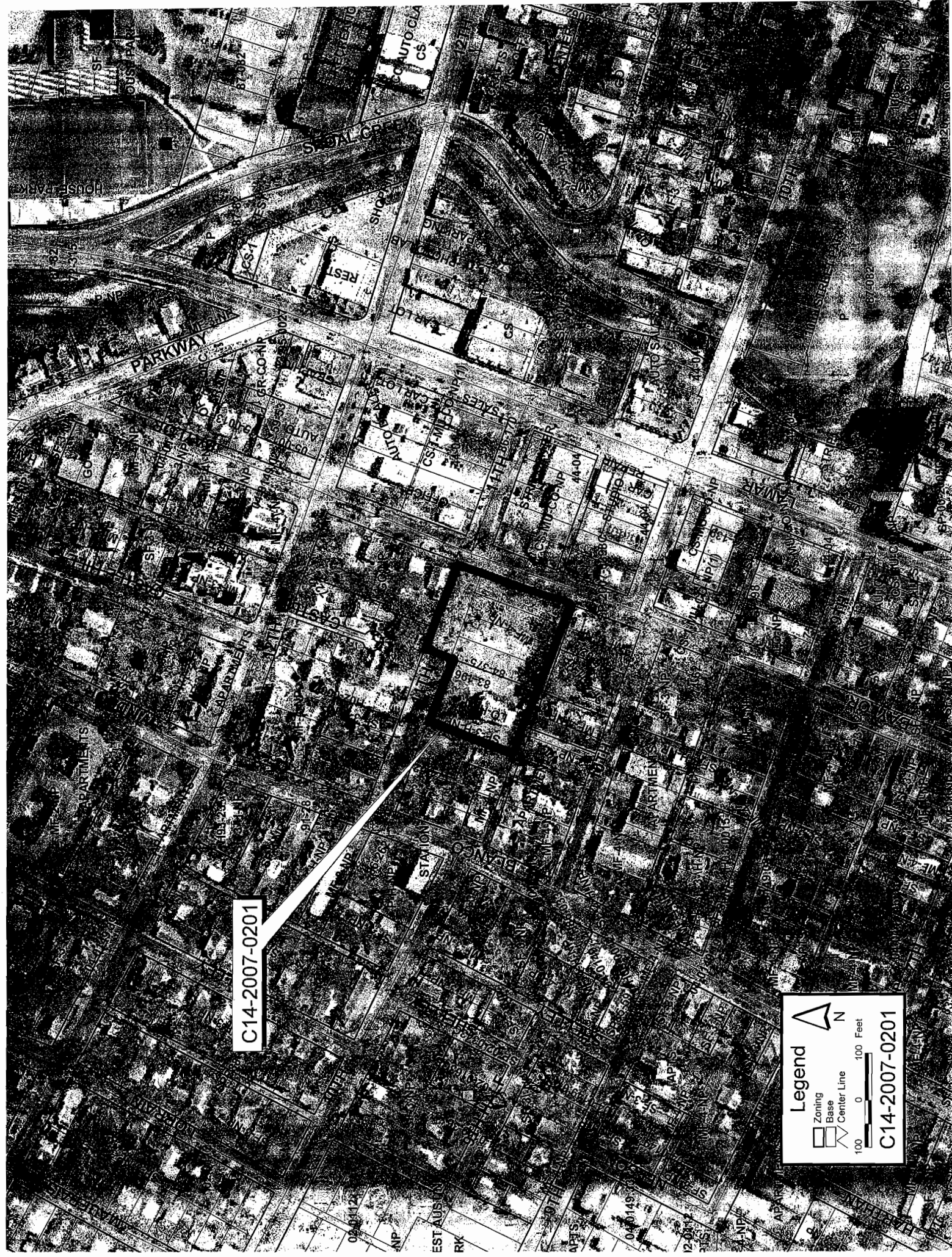
Old West Austin Neighborhood Plan Amendment NPA-2007.0006-01

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

Land Use


	Single-Family		Office
	Higher-Density Single-Family		Mixed Use/Office
	Multi-Family		Civic
	Commercial		Transportation
	Mixed Use		Utilities
	Warehouse/Limited Office		








C14-2007-0201

Legend

 Zoning

 Base

 Center Line

 N

100 0 100 Feet

C14-2007-0201

STAFF RECOMMENDATION

NPA-2007.0006-01:

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REZONING CASE C14-2007-0201:

Staff offers an alternate recommendation of MF-5-CO-NP and LO-MU-CO-NP. The recommended conditional overlay shall limit the density to 28 residential units and require less than 2,000 vehicle trips per day. The recommendation is based on the following considerations:

- 1.) The land alternate Staff recommendation is compatible with existing office, commercial, and mixed uses along Baylor Street and West 11th Street;
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- 3.) The proposed land uses will not infringe on the residential character of the established neighborhood west of Baylor Street.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will preserve the residential character of the neighborhood by encouraging a balanced mix of residential and mixed uses. Furthermore, the recommendation of a density limit on the site will create a diversification of housing options for this area.

2. *Zoning should allow for reasonable use of the property.*

The proposed rezoning will allow for reasonable use of the site while maintaining the residential character of the neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 1.886 acres site broken down into two tracts zoned MF-4-NP, SF-3-H-NP, and LO-H-NP fronting West 11th Street and Baylor Street and located within the Residential Core as defined on page 26 of the Old West Austin Neighborhood Plan (“OWA Plan”). The site is currently developed with a single-family residence and an undeveloped lot. The subject property was rezoned from MF-4 to MF-4-NP under Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area.

Transportation

1. No additional right-of-way is needed at this time.

2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117].

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek and Town Lake Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.
2. In order to obtain utility service for the land use, the landowner must obtain City approval of a Service Extension Request. For more information pertaining to the process and submittal requirements, contact Phillip Jaeger or James Grabbs, Austin Water Utility, 625 East 10th Street, 5th Floor Waller Creek Center. The Austin Water Utility reserves the right to make additional comments and to establish other requirements with the City review of the Service Extension Request.

Site Plan

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Review by the Historic review staff will be required for all permits and reviews.
3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

1. The site is subject to compatibility standards. Along the South property line, the following standards apply:
 - a. No structure may be built within 25 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
 - e. No parking or driveways are allowed within 25 feet of the property line.
 - f. A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
 - g. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
2. Additional design regulations will be enforced at the time a site plan is submitted.

BAYLOR STREET REDEVELOPMENT

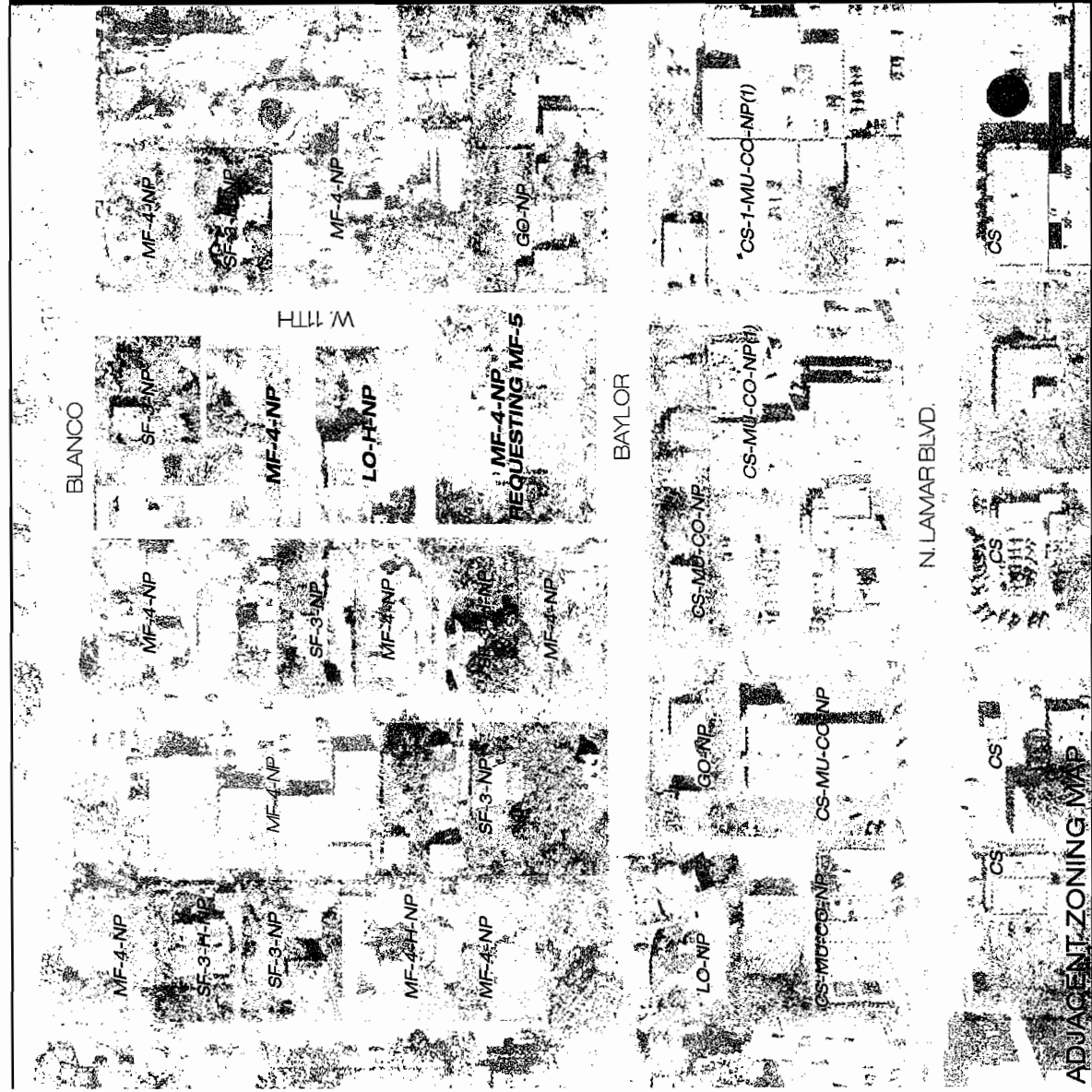
ZONING CHANGE REQUEST MF-4 TO MF-5

BAYLOR STREET SITE AREA 1.196 ACRES 52,098 SF

ZONING COMPARISON	MF-4	MF-5	VARIATION
Minimum Lot Size (sq.ft.)	8,000	8,000	0%
Minimum Lot Width	50	50	0%
Maximum Dwelling Units per Lot	**	**	0%
Maximum Height	60	60	0%
Setbacks			
Front Yard	15	15	0%
Street Side Yard	15	15	0%
Interior Side Yard	5	5	0%
Rear Yard	10	10	0%
Maximum Building Coverage	60%	60%	0%
Maximum Impervious Cover	70%	70%	0%
Maximum Floor Area	0.75	1	33%
Maximum Units per Acre	39,073.5	52,098.0	33%
	36-54**	36-54**	0%

PROPOSAL	28 UNITS	80 PARKING
West 11th Street	12 UNITS	30 PARKING MAX
Baylor Street	16 UNITS	50 PARKING

39 MAXIMUM ALLOWABLE UNITS PER SITE DENSITY



Existing

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512-231-8110 • 512-857-0187 Fax

June 12, 2007

Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Springs Road, Suite 500
Austin, Texas 78704

RE: Neighborhood Plan Amendment Hardship for 1008 Baylor Street

Dear Greg:

On behalf of my clients, Dick Clark and Victor Ayad, I would like to request that you accept a plan amendment application under Part 4 (D) of ordinance number 030320-23. This provision authorizes the director to accept an application to amend a neighborhood plan at a time other than as provided in Subsection (A) if the director determines that:

1. Prohibiting the filing would result in a hardship to the applicant; and
2. The development proposed by the applicant will not adversely affect public health, safety and welfare.

Basis for Request:

My clients acquired the property in December of 2006 after working for a year with the judge assigned the Gary Bradley bankruptcy proceedings. While my clients were only interested in the Castle, the presiding judge included the 1008 Baylor site and two other adjoining properties on Blanco and West 11th Streets as part of the "deal." Due to pending complaints from neighbors and code violation notices, my clients' desire was to "save" the **Historic Castle** from further destruction and vandalism. So, to that end, they focused their attention and funding on the restoration of the Castle.

In April, with the **Historic Castle** repairs and restoration under way, Dick Clark, who is an architect, began focusing on a conceptual condo plan for 1008 Baylor, which is zoned MF-4. The site was formerly developed with a condo development, but was demolished about 20 plus years ago due to engineering problems. The slab from that development still remains and the site drops 50 feet from the Castle. The Baylor concrete steps serve as a haven for criminal activity and graffiti typically covers every slab from Baylor, fifty feet up to the Castle property. The City's Code Enforcement team has had to clean the

ALICE GLASCO CONSULTING

Neighborhood Plan Amendment Hardship for 1008 Baylor Street

graffiti several times, and my clients continue to spend money cleaning the graffiti, which re-appears right after the clean up. This is a never-ending cycle for both the city and my clients.

Hardship Justification

The conceptual design of the condos calls for additional floor area and MF-5 allows a 1:1 FAR. The additional square footage, approximately 13,000, will allow for a variety of unit size and design flexibility if the site is zoned MF-5.

Waiting until February 2008 creates a **hardship** for my clients and will make this project unfeasible due to uncertainty of the market and the economy. The City Code enforcement staff will continue to receive calls from neighbors about graffiti and late night parties on the slab steps and other issues relating to graffiti, trash from beer bottles and cans.

The sooner my clients can begin developing plans for the site, the sooner the city will save money from not having to address and respond to complaints on a regular basis.

Given the eyesore that has been on the subject site for over 20 years, there is no doubt that the development proposed by my clients will have a positive impact on public health, safety and welfare.

Please see attached emails from David Cancialosi, City's Code Enforcement and a letter from one of the owners, Victor Ayad explaining the history of the land acquisition.

We appreciate your consideration of our request and if you have any question or need additional information, please let me know.

Sincerely,

Alice Glasco, President
AG Consulting

Cc: Carol Haywood, Neighborhood Planning Division Manager
Mark Walters, Principal Planner

Attachments

52,098 SF

VARIATION

Minimum Lot Size (sq ft.)	8,000	8,000	13,024.5 sq ft
Minimum Lot Width	50	50	50
Maximum Dwelling Units per Lot	**	**	10
Maximum Height	60	60	60
Setbacks			
Front Yard	15	15	15
Street Side Yard	15	15	15
Interior Side Yard	5	5	5
Rear Yard	10	10	10
Maximum Building Coverage	60%	60%	60%
Maximum Impervious Cover	70%	70%	70%
Maximum Floor Area	0.75	1	1
Maximum Units per Acre	39,073.5	52,098.0	13,024.5 sq ft
	38.54**	38.54**	38.54**

30 PARKING

West 11th Street	12 UNITS	30 PARKING MAX
BAYLOR STREET	16 UNITS	50 PARKING

39 MAXIMUM ALLOWABLE UNITS PER SITE DENSITY

